

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Pursuant to the authority of Iowa Code section 481B.3, the Natural Resource Commission hereby adopts amendments to Chapter 77, “Endangered and Threatened Plant and Animal Species,” Iowa Administrative Code.

The rules in Chapter 77 list plant and animal species whose continued existence within Iowa has been found to be endangered, threatened, or of special concern. The proposed amendments upgrade the status of the bald eagle and peregrine falcon from endangered to special concern species and correct a typographical error in the common name of the Forster’s tern. It is proposed that the bald eagle be listed as special concern rather than being removed from the list because of the potential effects from lead poisoning. Additional monitoring will be conducted to ensure that the bald eagle and peregrine falcon continue to increase or remain stable before they will be removed from the special concern list.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 17, 2009, as **ARC 7856B**. A public hearing was held on July 16, 2009. No one attended the public hearing. One written comment was received and it agreed with the proposed amendments for the bald eagle and peregrine falcon but encouraged the Department to continue monitoring programs for the bald eagle because of the potential for lead poisoning.

There have been no changes to the adopted amendments from those published as Notice of Intended Action.

These amendments are intended to implement Iowa Code chapter 481B.

These amendments shall become effective October 14, 2009.

The following amendments are adopted.

ITEM 1. Amend subrule **77.2(1)**, listing for “Birds,” as follows:

Birds

Red-shouldered Hawk	Buteo lineatus
Northern Harrier	Circus cyaneus
Peregrine Falcon	Falco peregrinus
Piping Plover	Charadrius melodus
Common Barn Owl	Tyto alba
Least Tern	Sterna antillarum
Bald Eagle	Haliaeetus leucocephalus
King Rail	Rallus elegans
Short-eared Owl	Asio flammeus

ITEM 2. Amend subrule **77.2(3)**, listing for “Birds,” as follows:

Birds

Forster’s <u>Forster’s</u> Tern	Sterna forsteri
Black Tern	Chlidonias niger
<u>Peregrine Falcon</u>	<u>Falco peregrinus</u>
<u>Bald Eagle</u>	<u>Haliaeetus leucocephalus</u>

[Filed 8/18/09, effective 10/14/09]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 9/9/09.